

**Notice of Allowability**

Application No.

09/396,244

Examiner

Cheukfan Lee

Applicant(s)

NAGANO, MASATOSHI

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment/response filed May 22, 2006.
2. ☒ The allowed claim(s) is/are 1,3,5-11,13-27,32,34-40, and 45-48, now renumbered 2-7,26,32,8-12,1,13-15,27,25,33,31,17,18,16,19,28,34,20,24,21-23,29,30,35, and 36, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 2/11/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Cheukfan Lee

1. Claims 1, 3, 5-11, 13-27, 32, 34-40, and 45-48 are allowed. Claims 17, 22 and 24 are independent (see claims in the amendment filed March 3, 2005).
2. The corrected drawing Figs. 44-46 have been approved by the Examiner.
3. Applicant is reminded that, in the future, a response to an Office action should have the title "RESPONSE" or "AMENDMENT" in order for the response or amendment to be entered in the PTO PALM system as a response or amendment responsive to an examiner's Office action, even if the response contains only corrected drawings and Applicant's remarks as is in the instant case.

In Applicant's communication filed May 22, 2006, the letter entitled "SUBMISSION OF FORMAL DRAWINGS" was entered in PALM and e-Dan as "Miscellaneous letter" and "Drawings", not as a response. Therefore, the application stayed in the Examiner's 'rejected case docket' for a long time until the Examiner recently checked the docket and had the correction made by the L.I.E (docket clerk) so that the application is transferred to the "Amended case docket" to be worked on.

4. The following is an examiner's statement of reasons for allowance:

Independent claims 17, 22 and 24 each require an operation mode that skips a scan of the transparent original image irradiated with the invisible light before or after

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executing a scan of the transparent original image irradiated with visible light is selectable. This feature in combination with other limitations of any of claims 17, 22 and 24 is not taught by the prior art of record, including Edgar et al. (U.S. Patent No. 6,590,679) submitted by Applicant on January 23, 2006, which was cited by the examiner in a December 14, 2005 Office action in a related (DIV) application serial number 10/974,522, and Edgar (U.S. Patent No. 5,266,805), cited by Applicant.

Claims 1, 3, 5-8, 11, 13-16, 18-20, 25-27, 32, and 36--40 depend on claim 17, directly or indirectly. Claims 2, 21, 34, 45, and 46 depend on claim 22. Claims 10, 23, 35, 47, and 48 depend on claim 24.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee  
October 26, 2006